



2024738-2247387003
CYM-025 (11.009011)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Roy A. Ostgaard, et al.) Group Art Unit: 1743
Serial No. 09/156,952) Confirmation No.: 1770
Filed: September 18, 1998) Examiner: Patricia K. Bex
For: SAMPLE VIAL FOR USE IN)
PREPARING CYTOLOGICAL SPECIMEN)

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT TRANSMITTAL

M/S: Non-Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith in response to notice of Non-Compliant Amendment, mailed on March 30, 2004, for the above-identified application, are the following:

- Response to Non-Compliant Amendment (5 pages)
- Transmittal with Certificate of Mailing (37 CFR §1.8) (1 page)
- Return Postcard.

CERTIFICATE OF MAILING TRANSMISSION
(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 9, 2004

Date of deposit

Maritza Kidd
Name of Person transmitting Paper

Signature of Person transmitting Paper

- If any extension fee is required, please consider this a petition therefore.
- Charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of _____.
- Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

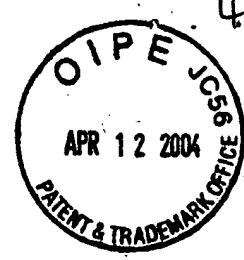
Dated:

4/9/04

BINGHAM McCUTCHEN LLP
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San Francisco, CA 94111-4067
(650) 849-4824

Respectfully submitted,
BINGHAM McCUTCHEN LLP

By: DT Burse
David T. Burse
Reg. No. 37,104



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AMENDMENT AND RESPONSE

Mail Stop: Non-Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22231-1450

Dear Sir:

In response to the Office communication mailed March 30, 2004, Applicant hereby resubmits the section of the amendment document originally filed on December 22, 2003, as required under 37 CFR § 1.121(h).